

Bill no.:	HR 3906
H.L.C.	
Amendment no.:	
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Disposition:	Reported as amended, V6

H.R 3906
AS REPORTED BY THE SUBCOMMITTEE ON
ENERGY AND POWER

Strike all after the enacting clause and insert the following:

1 SECTION 1. SHORT TITLE.

2 This Act may be cited as the "Department of Energy
3 Security Oversight Improvement Act of 2000".

4 SEC. 2. FINDINGS.

5 The Congress finds that—

6 (1) internal Department of Energy oversight of
7 safeguards and security has suffered over the years
8 from inconsistent application, lack of senior manage-
9 ment attention, reduced resources, and overlapping
10 and conflicting roles and responsibilities among var-
11 ious Department offices;

12 (2) the Department of Energy is in need of a
13 statutorily-based independent security oversight of-
14 fice with the responsibility to regularly assess the ef-
15 fectiveness of the Department's policy and site per-
16 formance in the area of safeguards and security, in-
17 cluding computer security, and report to the Sec-
18 retary on such findings annually;

1 (3) the Department of Energy's oversight of se-
2 curity at its sites should be streamlined to reduce
3 overlapping and redundant oversight, to improve ac-
4 countability, and to ensure greater consistency in ap-
5 plication, findings, and reporting of results; and

6 (4) it is appropriate to establish a single, inde-
7 pendent security oversight office within the Depart-
8 ment of Energy, without prejudice to the continued
9 compliance assurance activities conducted at the De-
10 partment site level.

11 **SEC. 3. OFFICE OF INDEPENDENT SECURITY OVERSIGHT.**

12 (a) OFFICE.—The Secretary of Energy shall main-
13 tain an Office of Independent Security Oversight, which
14 shall be headed by a Director appointed by the Secretary
15 without regard to political affiliation and solely on the
16 basis of integrity and demonstrated ability in the oversight
17 and evaluation of security for nuclear and classified pro-
18 grams. The Director shall report directly to and be under
19 the general supervision of the Secretary, but the Director
20 shall not report to or be subject to supervision by any
21 other office or officer of the Department of Energy. The
22 Secretary shall not prevent, prohibit, or delay the Director
23 from initiating, carrying out, or completing any inspection,
24 evaluation, or report undertaken pursuant to this Act.
25 Such Office shall be responsible for carrying out the mis-

1 sions and functions described in subsections (d) and (e),
2 but the Office shall have no authority to establish or re-
3 quire the implementation of any change to the policies,
4 programs, or practices of the Department of Energy.

5 (b) DIRECTOR'S COMPENSATION.—The Director
6 shall be compensated at the rate provided for level IV of
7 the Executive Schedule under section 5315 of title 5 of
8 the United States Code.

9 (c) EXPERTS AND CONSULTANTS.—In addition to
10 employees of the Department of Energy, the Director is
11 authorized to utilize such experts and consultants as the
12 Director deems appropriate. For such purposes, the Direc-
13 tor may procure temporary and intermittent services
14 under section 3109(b) of title 5, United States Code. Upon
15 request of the Director, the head of any Federal agency
16 is authorized to detail, on a reimbursable basis, any of
17 the personnel of such agency to the Director to assist the
18 Director in carrying out functions under this section.

19 (d) MISSION.—The Office of Independent Security
20 Oversight shall be responsible for the independent evalua-
21 tion of the effectiveness of safeguards and security (in-
22 cluding computer security) policies, programs, and prac-
23 tices throughout the Department of Energy, including the
24 National Nuclear Security Administration. The Office
25 shall identify security weaknesses, make recommendations

1 to the Secretary for improvement, and review the effective-
2 ness and timeliness of corrective actions taken by the De-
3 partment.

4 (e) FUNCTIONS.—The Office of Independent Security
5 Oversight shall perform the following functions:

6 (1) Conduct regular evaluations of safeguards
7 and security programs at Department of Energy
8 sites that have significant amounts of special nuclear
9 material, classified information, or other security in-
10 terests. The scope of the evaluations shall include all
11 aspects of safeguards and security, including phys-
12 ical protection of special nuclear material, account-
13 ability of special nuclear material, protection of clas-
14 sified and sensitive information, classified and un-
15 classified computer security, personnel security, and
16 interactions with foreign nationals.

17 (2) Issue reports to the Secretary that clearly
18 identify specific findings relating to security weak-
19 nesses, and make recommendations for improve-
20 ment.

21 (3) Perform timely followup reviews to ensure
22 that any corrective actions implemented by the De-
23 partment are effective.

24 (4) Evaluate and assess Department of Energy
25 policies related to safeguards and security.

1 (5) Develop recommendations and opportunities
2 for improving safeguards and security policies, pro-
3 grams, and practices for submittal to the Secretary.

4 (6) Any other function the Secretary considers
5 appropriate and consistent with the mission de-
6 scribed in subsection (d).

7 (f) TIMING OF REGULAR EVALUATIONS.—

8 (1) GENERAL RULE.—Except as provided in
9 paragraph (2), evaluations conducted under sub-
10 section (e)(1) shall occur at least once every 2 years.

11 (2) COMPUTER SECURITY EVALUATIONS.—Eval-
12 uations conducted under subsection (e)(1) with re-
13 spect to classified and unclassified computer security
14 shall occur at least once every 18 months.

15 (g) ACCESS TO INFORMATION.—In carrying out this
16 section, the Director shall have access to all records and
17 personnel of the Department concerning its safeguards
18 and security programs, including classified and unclassi-
19 fied computer security programs.

20 **SEC. 4. REPORTS.**

21 (a) REPORT BY OFFICE.—The Office of Independent
22 Security Oversight shall, before February 15 of each year,
23 transmit to the Secretary of Energy an unclassified report,
24 with a classified appendix if requested or necessary, sum-
25 marizing the activities of the Office during the imme-

1 dix if requested or necessary, summarizing the Secretary's
2 response thereto. Such report from the Secretary shall
3 include—

4 (1) a description of the Secretary's response to
5 each significant report and security finding made to
6 the Secretary pursuant to this Act during the re-
7 porting period;

8 (2) an explanation of the reasons for any fail-
9 ure on the part of the Department of Energy to
10 remedy security findings identified by the Office in
11 the current annual report and previous annual re-
12 ports; and

13 (3) to the extent relevant, an explanation of
14 how the President's budget submissions will impact
15 the ability of the Department to remedy unresolved
16 security findings identified by the Office in its an-
17 nual reports.

18 (c) PUBLIC AVAILABILITY.—Within 60 days after the
19 transmission of the annual reports to the Congress under
20 subsection (b), the Secretary of Energy shall make copies
21 of the unclassified portions of such reports available to the
22 public.

23 (d) SPECIAL REPORTS.—The Director of the Office
24 of Independent Security Oversight shall report imme-
25 diately to the Secretary of Energy whenever the Director

1 becomes aware of deficiencies relating to the security pro-
2 grams, practices, or operations of the Department of En-
3 ergy that require an immediate response. The Secretary
4 shall, within 7 calendar days after receiving a report under
5 this subsection, notify the appropriate committees of Con-
6 gress in writing and explain the corrective actions taken
7 to address such deficiencies.

8 (e) CONGRESSIONAL TESTIMONY AND BRIEFINGS.—

9 The Director of the Office of Independent Security Over-
10 sight, whenever called to testify before any Committee of
11 Congress or to brief its Members or staff, shall provide
12 the Secretary of Energy with advance notice of the subject
13 matter of that testimony or briefing, but shall provide the
14 requested information to the Congress without any further
15 review, clearance, or approval by any other official in the
16 Executive Branch.